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**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

JACK BENJAMIN HESSIANI,  
Petitioner,  
v.  
WARDEN,  
Respondent.

Case No. 5:24-cv-01034-JWH-SSC

## **ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE**

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of  
2 the records herein, and the Report and Recommendation of United States  
3 Magistrate Judge, and Petitioner's objections to the Report and  
4 Recommendation.<sup>1</sup> The Court has engaged in a de novo review of those  
5 portions of the R&R to which Petitioner has objected.

6 The R&R recommends the grant of Respondent's motion to dismiss and  
7 the dismissal of this action with prejudice. Petitioner's objections do not merit  
8 any change to the R&R's findings or recommendations.

9 Petitioner objects that his federal sentence was miscalculated and that he  
10 is entitled to a credit of eight months and 29 days.<sup>2</sup> The Court agrees with the  
11 Report that Petitioner is not entitled to an additional eight months and 29 days  
12 of custody credit.<sup>3</sup> By the time that Petitioner was sentenced in the California  
13 case, he had already served eight months and 29 days of his Nevada sentence.<sup>4</sup>  
14 Although the California sentence was ordered to run concurrently with the  
15 Nevada sentence, "the concurrency could only be applied *prospectively* from the  
16 date of the California sentence."<sup>5</sup> Moreover, the time that Petitioner had served  
17 on his earlier Nevada sentence did not count as presentence credits toward his  
18 California sentence.<sup>6</sup> Petitioner's objections merely repeat his claim without  
19 addressing the relevant authorities or the R&R's reasoning.

20 Accordingly, the Court hereby **ORDERS** as follows:

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22 <sup>1</sup> Report and Recommendation (the "R&R") [ECF No. 20]; Obj. to R&R  
23 (the "Objection") [ECF No. 30].

24 <sup>2</sup> Objection 1-3.

25 <sup>3</sup> R&R 6:14-20.

26 <sup>4</sup> *Id.* at 9:6-9.

27 <sup>5</sup> *Id.* at 9:9-24 (citing *Schleining v. Thomas*, 642 F.3d 1242, 1248 n.8 (9th Cir.  
28 2011), and similar district court cases).

<sup>6</sup> *Id.* at 8:5-27 & 10:3-14 (citing authorities).

1       1. The findings and conclusions of the Magistrate Judge in the R&R  
2 are **ACCEPTED** and **ADOPTED**.

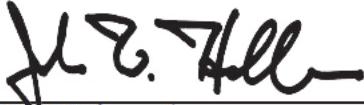
3       2. Respondent's motion to dismiss<sup>7</sup> is **GRANTED**.

4       3. This action is **DISMISSED** with prejudice.

5       4. Judgment will be entered accordingly.

6       **IT IS SO ORDERED.**

7       Dated: October 7, 2025

  
John W. Holcomb  
UNITED STATES DISTRICT JUDGE

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28       <sup>7</sup> Resp.'s Motion to Transfer, Dismiss, or Deny [ECF No. 15].